REMARKS

Claims 17-29 and 31-37 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Section 103(a) Rejection:

The Office Action rejected claims 17-29 and 31-37 under 35 U.S.C. § 103(a) as being unpatentable over Bernardo et al. (U.S. Patent 6,684,369) (hereinafter "Bernardo") in view of Ackermann, Jr. et al. (U.S. Patent 6,606,653) (hereinafter "Ackermann") and further in view of Smith et al. (U.S. Patent 6,578,078) (hereinafter "Smith"). Applicants respectfully submit that the claims are allowable for at least the following reasons.

In order to reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner* et al., 379 F.2d 1011, 154 U.S.P.Q. 173, 177-178 (C.C.P.A. 1967). To establish a *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974) (emphasis added).

Claim 29 recites a combination of features including, but not limited to:

> publishing the first document to a first location;
> determining a second location to publish the first document;
> identifying a current relative uniform resource locator (URL) in the first document corresponding to the first location;
> modifying the current relative URL in the first document to correspond to the second location; and
> publishing the modified first document to the second location.

Applicant respectfully submits that the combination of features recited above are allowable over the cited art for at least the following reasons. Applicant notes that Bernardo and Ackerman do not disclose changing a location for publishing a document containing a relative URL, and do not disclose modifying a relative URL in a document to correspond to the second location for publishing the document containing the modified relative URL. Bernardo relates to a software tool for use with a computer system to

simplify the creation of a Web sites. (Bernardo, abstract). Bernardo discloses that tools may include a library of templates (e.g., text, fields, HTML code and formulas) that correspond to available features and options. (Bernardo, col. 6, lines 32-61). The templates comprise databases which may include fields, forms, views, text, formulas and profiles that enable customization of the features, such as a list of site areas. *Id*. One area may be "Company Information", and a template corresponding to this feature may include certain text and HTML formatting components for a Web page for this area, with fields for company name, address, contact person, etc. *Id*. Accordingly, Bernardo discloses a website template including an area for a list of sites including fields of information (e.g., company name, address, contact person, etc.), although the cited portions of Bernardo do not disclose that the site area includes links (e.g., URL's) to other web pages or resources.

Ackerman relates to upgrading embedded links or hotspots in source Web pages to reflect the new Universal Resource Locations (URLs) of moved target Web Pages. (Ackerman, abstract). Ackerman discloses the target page at the new location transmits to the source page, the new URL of the moved target Web page and the embedded link in the source page is upgraded to include the new URL. (Ackerman, col. 6, lines 41-45). Ackerman thus, discloses updating an embedded link in the source page to reflect movement **of a separate target web page** to a new location. Neither Bernardo nor Ackerman, discloses a document that includes a URL, publishing the document to a first location, modifying the URL in the document to correspond to a second location, and publishing the modified version of the document to the second location, much less where the URL includes a relative URL that corresponds to the first document and is modified to correspond to the second location.

Smith does not remedy this deficiency. Smith merely states that a relative URL does not include a protocol identifier, machine name or port, and must be interpreted relative to some known absolute URL called the base URL. (Smith, col. 4, lines 42-45). Accordingly, the cited art does not appear to teach or suggests at least the features of, "publishing the first document to a first location; determining a second location to

publish the first document; identifying a current relative uniform resource locator (URL) in the first document corresponding to the first location; modifying the current relative URL in the first document to correspond to the second location; and publishing the modified first document to the second location," in combination with other features of the claim.

With regard to claim 29 and in response to Applicant's arguments, the Office Action also states:

> ...Bernardo is relied upon to show creating a web document from a template that is modifiable, where a modifiable part of a web document would be a *"list* of *site areas"* (column 6, lines 37-42). Ackermann is relied upon to show updating links in web pages when the resource the link points to is moved to a new location (Figure 4). The combination of Bernardo and Ackerman show that web documents are modifiable and that links in documents need to be modified when the resource the link points to is changed. In the case where the link points to a resource in the same document, the link would need to be modified when the document was moved.
> (Office Action, page 13)

Accordingly, the Office Action takes the position that Bernardo discloses a modifiable "list of site areas" in a web document, and Ackerman discloses updating links when a resource the link points to is moved to a new location. The Office Action suggests that in a case where the link points to a resource in the same document, the link would be modified when the document was moved. Applicant respectfully disagrees. The Office Action's rejection includes a hypothetical example that (1) is not taught or suggested by the cited art, and (2) includes features that are not inherent, nor even likely to occur, in view of the hypothetical context presented by the Office Action. First, none of the cited references teach or suggest a "case where a link points to a resource in the same document," much less the Office Action's suggestion of modifying a link pointing to the resource when the document (containing the link and the resource) was moved. As discussed above, Bernardo relates to tools (e.g., templates) to simplify creation of Web sites, Ackerman discloses updating an embedded link in the source page to reflect movement of a separate target web page to a new location, and Smith discloses that a relative URL may be interpreted relative to some known absolute URL. Smith, however,

does not teach or suggests that the URL points to a resource in the same page. In fact, none of the cited portions of the references mentions or even suggest a document including a link pointing to a resource in the same document.

In view of the cited art's failure to teach the above described features of the claim, in addition to the failure of the Office Action to cite to portions of the cited art to support its position, it appears the Office Action is relying on the theory of inherency to teach or suggest the claimed features. However, even if the scenario proposed by the Office Action - a resource pointing to a resource in the same document - were to occur, Applicant submits that the technique proposed in the Office Action for modifying the URL is not even probable in the prior art, much less inherent. Applicant notes that the technique of modifying a link pointing to the resource when a document containing the link and the resource was moved is unlikely because, a link contained in a document that references a resource within a document would be most likely be defined relative to the document itself, and, thus, would not require modification when the document is moved. To rely on the theory of inherency, the examiner must "provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original.) Inherency may not be established by probabilities or possibilities; the mere fact that a certain thing may result from a given set of circumstances is not sufficient. *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999). Accordingly, the proposed scenario and technique proposed in the Office Action is neither disclosed by the cited art, nor inherent in view of the cited art.

Applicant notes that with regard to claim 17, the Office Action suggests that a relative URL does not need to be modified in accordance with the embodiments claimed by Applicant. More specifically, the Office Action states:

> Smith describes the base URL as: *':4n HTML document may have* a *base element defining an absolute URL that specifies the base URL for that document. If the document has no base element, then the absolute URL of the document is used as the base URL.*

The base element provides a *base address for interpreting relative URLs when the document is read out* of *context."* (column 4,lines 55-64). Therefore a relative URL has an implied absolute URL that is the source URL, such that when a document with relative URLs is moved, the relative URLs do not need to be modified because they are interpreted using the base URL.

Applicant's use of the term *"relative URL"* in the claims seems to be at odds with the usual meaning of a relative URL as described by Smith and the previous paragraphs and the originally filed specification. Applicant should amend the claims to more precisely describe the URL aspect of the invention.
(Office Action, pages 12-13)

Applicant respectfully disagrees. Based on the above statements, the Office Action does not appear to appreciate uses of relative URL's in various context. For example, the Office Action states that "a relative URL has an implied absolute URL that is the source URL, such that when a document with relative URLs is moved, the relative URLs do not need to be modified because they are interpreted using the base URL." Thus, the Office Action makes the erroneous assumption that all relative URL's are relative to the document they are continued in, such that movement of the document does not affect functionality of the relative URL. This, however, is not always the case. Relative URL's are provided relative to a base URL, and the base URL does not necessarily correspond to the document in which it resides. For example, the base URL may relate to a resource's location on sever on which the document is stored, and the relative URL may correspond to the base URL of the server. Thus, when the document is provided at a different server, the relative URL may be modified to reflect the new location of the resource. In other words, the relative URL may be provided relative to something other than the document itself and, thus, may need to be updated when the document is provided at a new location. Accordingly, Applicant respectfully submits that the claims are consistent with the use of the term "relative URL."

Independent claim 17 recites a combination of features including, but not limited to:

publishing the document to a current location;
identifying a current relative uniform resource locator (URL) in the document;

identifying a new relative URL corresponding to the current relative URL in the document;

modifying the document based on the new relative URL to generate a modified document; and

publishing the modified document to a new location.

Applicant respectfully submits that claim 17 is allowable for at least reasons similar to those discussed above.

Independent claim 32 recites a combination of features including, but not limited to:

generating a first document, wherein the first document includes a same page link URL that references first content within said first document;

generating a second document, wherein the second document includes said first content;

determining a second URL corresponding to the first content in the second document;

replacing the same page link URL in the first document with the second URL to generate a modified first document; and

publishing the modified first document.

Applicant respectfully submits that claim 32 is allowable for at least reasons similar to those discussed above.

Dependent Claims

Applicants also assert that the rejections of numerous ones of the dependent claims are further unsupported by the cited art. Since the rejections have been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicants submit the application is in condition for allowance, and an early notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/6067-46200/RCK.

Respectfully submitted,

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